IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.2765 OF 2006

M/s.Hareshwar Packaging Pvt.Ltd. .. Petitioner
v/s.
Commissioner of Central Excise &
Customs & ors. .. .. Respondents

Ms.S.V.Sonawane for petitioner.
Mrs.S.V.Bharucha for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 16th November 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. The Appeal filed by the petitioner against the order in original dated 21st July 2004 passed by the Commissioner (Appeals) of Central Excise & Customs, Daman, has been dismissed by the Customs Excise & Service Tax Appellate Tribunal, Mumbai for not making pre-deposit of Rs.3.5 Lakhs which had been directed by the Tribunal. The order dated 8th June 2006 passed by the Tribunal to that effect is under challenge in the present Petition. A Director of the petitioner-Firm is present.

3. Ms.Sonawane appearing for the petitioner makes a request that the petitioner be given eight weeks' time hereafter to deposit the aforesaid

amount. We permit the petitioner to deposit the said amount of Rs.3.5 Lakhs with the Authorities concerned within eight weeks. In the event the amount is so deposited, the Appeal in the Tribunal will stand revived and thereafter the Tribunal will deal with the same on its own merits. In the event the amount is not so deposited, the order of dismissal of the Appeal will continue to operate.

4. Petition is disposed of in view of the above order.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)